

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

EARLENE HORTON,)
Plaintiff,)
v.) Cause No.
UNITED STATES OF AMERICA,)
Serve: U.S. Attorney, E.D. Missouri)
111 S. 10th St., #20.333)
St. Louis, MO 63102)
U.S. Attorney General)
Department of Justice)
950 Pennsylvania Ave., N.W.)
Washington, D.C. 20530)
Defendant.)

COMPLAINT FOR DAMAGES

Comes now Plaintiff, by her attorney, and for her Complaint for Damages, states as follows:

1. Plaintiff Earlene Horton is an individual who resides in the Eastern District of Missouri.
2. Defendant United States of America has waived its sovereign immunity pursuant to the Tort Claims Act, 28 U.S.C. §§2671, et seq.
3. At all relevant times, Defendant acted through its agents and/or employees in the course and scope of their agency and/or employment by

Defendant at the John Cochran Veterans Administration Hospital located in St. Louis, Missouri.

4. Federal jurisdiction is proper under 28 U.S.C. §1346.
5. Venue in this Court is proper under 28 U.S.C. §1402, inasmuch as a substantial part of the events or omissions giving rise to the claim occurred in St. Louis City, Missouri and Plaintiff resides in this District.
6. On or about June 20, 2013, Plaintiff was an invitee at the John Cochrane VA Hospital for the purpose of visiting her husband, who was a patient in the emergency room.
7. After waiting for word on her husband's condition, Plaintiff picked up the telephone near the double doors to the emergency room area but there was no answer of the telephone by or on behalf of Defendant.
8. Plaintiff was unable to open the doors to the emergency room.
9. Plaintiff knocked on the emergency room doors. She received no response.
10. Plaintiff again knocked on the emergency room doors.
11. Suddenly and without warning, the emergency room doors flew open toward Plaintiff, struck her person, and knocked her backwards.
12. Plaintiff injured her right arm when she used it to brace her fall.

13. There was no written or oral notice to Plaintiff that the emergency room doors were going to open outward.

14. The emergency room doors were not reasonably safe as the doors opened outward, toward an invitee, quickly and with great force, without warning.

15. Defendant knew or by using ordinary care could have known of this dangerous condition.

16. Defendant failed to use ordinary care to remove, barricade or warn of the dangerous condition.

17. As a direct result of Defendant's failure to use ordinary care to remove, barricade or warn of the dangerous condition, Plaintiff sustained damages including:

- a. fracture to her right wrist and suspected rotator cuff tear;
- b. hospital and medical treatment, home health and physical therapy;
- c. incurred charges for medical treatment; and
- d. ability to enjoy life has been and will be lessened, diminished, damaged and impaired.

WHEREFORE, Plaintiff Earlene Horton prays for judgment against Defendant United States of America, for her damages in an amount of \$30,000, for her costs, and for such further relief as is just.

Respectfully submitted,

/s/ James E. Parrot

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